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OFFICE OF PETITIONS

In re Application of

Van Hook, et al.

: DECISION REFUSING STATUS

Application No. 09/662,832 : UNDER 37 CFR 1.47(a)

Filed: September 15, 2000

Atty. Dkt. No.: 1778.0100002

For: ALIGNMENT AND ORDERING OF

VECTOR ELEMENTS FOR SINGLE

INSTRUCTION MULTIPLE DATA

PROCESSING

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed April 22, 2004.

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed September 15, 2000 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed November 9, 2000 requiring, *inter alia*, an executed oath or declaration and a surcharge.

Petitioners herein state that the instant application is a continuation of U.S. App. No. 09/263,798 (now U.S. Pat. No. 6,266,758), which is a continuation of U.S. App. No. 08/947,649 (now U.S. Pat. No. 5,933,650). Petitioners argue that a petition under Rule 47 was filed in the '649 application, but that a decision according Rule 47 status was never received. Petitioners further argue that because the '649 application issued as a patent this is an indication that the Office accepted the declaration submitted in the '649 application.

A grantable decision under 37 CFR 1.47(a) requires: A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the nonsigning inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

As to item (1), petitioners have failed to present any evidence that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the applications for the <u>above-identified application</u> (specification, including claims, drawings, and oath or declaration).

As to item (2), petitioners have failed to submit an oath or declaration for the instant application executed by the available inventors.

As to item (3), the Office acknowledges receipt of the required petition fee.

As to item (4), petitioners have failed to set forth in the instant petition the last known address of the non-signing inventor.

Any renewed petition must satisfy requirements (1), (2), and (4) set forth above.

As to petitioners' attempt to rely upon an alleged Rule 47 status in a related application, petitioners are advised that a cursory review of the PALM data for the '649 application reveals no reference to either the receipt of a petition under Rule 47 nor a grant of Rule 47 status. Accordingly, petitioners have failed to establish the existence of Rule 47 status in a related application such as to allow the instant application to rely upon said status in accordance with MPEP 605.02(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

By facsimile:

(703) 872-9306

By hand:

U.S. Patent and Trademark Office

Customer Window Mail Stop Petition Randolph Building

Dulany Street

Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown Petitions Attorney Office of Petitions